



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS, UNIVERSITY OF NEW HAMPSHIRE
CHAPTER, (UNH-AAUP)

Complainant

v.

UNIVERSITY OF NEW HAMPSHIRE

Respondent

CASE NO. U-0613:3

DECISION NO. 91-55

APPEARANCES

Representing American Association of University Professors:

Gary W. Wulf, Consultant

Representing University of New Hampshire:

Nicholas DiGiovanni, Jr., Esq., Counsel

DECISION AND ORDER

On May 20, 1991 the Association filed an improper practice charge against the University System of New Hampshire and its Director of Personnel alleging a refusal to bargain in good faith. The Association contended that there were certain positions which should be included in the unit and should be represented at the negotiating table by the certified bargaining unit representative. Repeated attempts to resolve this issue with the University of New Hampshire failed.

The University in its response to the charge of unfair labor practice stated that the Certificate of Recognition issued by PELRB did not contain the positions for which the AAUP wanted to negotiate for and that it did not specifically enumerate those positions which were exempted from the bargaining unit. On June 12, 1991 the University filed countercharges against the AAUP for failing to bargain with the unit as originally certified and wanting to include others which have not been properly included in the initial certified bargaining unit.

In an attempt to expedite the issues before the Public Employee Labor Relations Board, a pre-hearing conference was conducted on July 15, 1991 with AAUP represented by Gary Wulf and Steven Fan. The University of New Hampshire was represented by Nicholas DiGiovanni, Esq., Joan Tambling and others of the University Staff.

Evidence was presented at the pre-hearing conference that several attempts had been made by AAUP to negotiate with the University representatives but attempts were unsuccessful as the issue of recognition had been raised by both parties.

Both parties were heard in detail as to their position and agreed to withdraw their unfair labor practice charges providing PELRB would issue a modification of the original certification of the bargaining unit which would more accurately describe those included in the bargaining unit and those excluded. Hearing Officer agreed that PELRB should issue the modified certification.

Written requests to withdraw the charges by the above parties have been received and accordingly PELRB at its meeting on July 30, 1991 reaffirmed the Hearing Officer's decision to amend the existing certification as listed below.

Such order is contained herewith;

The Certification of Representative and Order to Negotiate as issued on the 23rd day of October 1990 and listed as Case NO. U-0613 is amended to read as follows.

The original certification in this case is hereby revoked and the following substituted therefore;

UNIT: All full-time academic faculty employed by the University Of New Hampshire at Durham and Manchester including Librarians with faculty rank and Department Chairpersons.

EXCLUDED from the Unit are the following positions:

Faculty in Residence, Research Faculty, Extension Education, Visiting Faculty, Part-time Faculty, Lecturers, Deans and Associate Deans, Library equivalent positions, including the University Librarian, the Associate University Librarian and two Assistant Librarians, Director of Environmental Research Group, Director for Center for Humanities, Director of the Thompson School, Director for Educational Field Services, Director for the Institute for Policy of Social Services Research.

The above named exclusions from the bargaining unit were mutually agreed to at the hearing of July 15, 1991

Signed this 8th day of August, 1991.


EDWARD J. HASETTINE
Hearing Officer



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN ASSOCIATION OF UNIVERISITY
PROFESSORS, UNIVERSITY OF NEW HAMPSHIRE
CHAPTER (UNH-AAUP)

and

CASE NO. U-0613

UNIVERSITY OF NEW HAMPSHIRE

CERTIFICATION OF REPRESENTATIVE AND ORDER TO NEGOTIATE

A representation proceeding having been conducted in the above matter by the Public Employee Labor Relations Board in accordance with RSA 273-A, Section 10 and the Rules and Regulations of the Board, and it appearing that a negotiating representative has been selected;

Pursuant to the authority vested in the Board by the Public Employee Labor Relations Act, and after the conduct of a representation election,

IT IS HEREBY CERTIFIED that AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, UNIVERSITY OF NEW HAMPSHIRE CHAPTER (UNH-AAUP)

has been designated and selected by a majority of the employees of the above named Public Employer, in the unit described below, as their representative for the purpose of collective negotiations and the settlement of grievances.

UNIT: All full-time academic faculty employed by the University of New Hampshire at Durham and Manchester, including Librarians with faculty rank and Department Chairpersons. EXCLUDED: Faculty in Residence, Research Faculty, Extension Education, Visiting Faculty, Part-time Faculty, Lecturers, Deans and Associate Deans, Library equivalent positions, including the University Librarian, the Associate University Librarian and two Assistant Librarians, Director of Environmental Research Group. Director for Center for Humanities, Director of the Thompson School, Director for Educational Field Services, Director for the Institute for Policy of Social Services Research.

Further, it is ORDERED that the above named Public Employer shall negotiate collectively with AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, UNIVERSITY OF NEW HAMPSHIRE CHAPTER (UNH-AAUP)

and enter into a written agreement with such employee organization with regard to terms and conditions of employment, and shall negotiate collectively with such employee organization in the determination of, and administration of, grievances.

Original certification signed October 23, 1990

Amended Certification signed on the 8th day of August, 1991.